IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN,J

W.A.NO.565 OF 2006

DATED 13-06-2006

BETWEEN

Sri P.L.N Sarma

.. PETITIONER

And

Indian Bank,

Represented by its Chairman and Managing

Director, Head office, 31, Rajaji Salai, Chennai

and 3 others.

…RESPONDENTS

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN,J

WRIT APPEAL NO.565 OF 2006

ORAL ORDER:(per Sri BPR.J)

Heard Sri W.B.Srinivas, learned counsel for the appellant and Sri S.Satyanarayana Prasad, learned senior counsel appearing on behalf of the respondent-Bank and at their request the matter is taken up for final disposal at the stage of admission itself.

The appellant is the unsuccessful writ petitioner who sought to assail the orders of transfer mainly on the ground that having regard to the policy enunciated under the provisions of the Indian Bank Officers Service Regulations, 1979, the appellant who is going to be retired within a period of one year should not have been transferred and even otherwise should have been given proper posting as contemplated under the policy.

The learned Single Judge after taking into consideration the rival submissions held that transfer is an incidence of service and that as a matter of right the appellant cannot claim for retention at a particular place and accordingly dismissed the writ

petition.

During the course of arguments, learned counsel for the appellant has submitted that in fact the appellant has already been relieved in terms of the transfer orders though the appeal filed by him is still pending consideration before the appellate authority – Respondent No.1. On the other hand, Sri Satyanarayana Prasad, learned senior counsel appearing for the respondent Bank submits that no such appeal is, in fact, pending.

Having heard both the counsel and having considered the submissions made and also in view of the fact that the appellant has already been relieved, we do not find any reason to interdict the transfer orders at this stage and in our opinion, the ends of justice would be met if the 1st respondent is directed to consider and dispose of the appeal stated to have been preferred by the appellant.

Accordingly, the writ appeal is disposed of directing the 1st respondent to dispose of the appeal said to have been preferred by the appellant herein after taking into consideration the pleas raised by the appellant in accordance with law after giving due notice and opportunity of hearing to both the parties. However, since the learned counsel for the respondent disputes the factum of filing such an appeal, we direct the appellant to submit a copy of the said appeal/objection petition within a period of two weeks from today and the same shall be considered and disposed of by the 1st respondent within a period of four weeks thereafter. It is needless to mention that the orders of transfer already given effect to would be subject to the ultimate orders that may be passed in the appeal by the 1st respondent.

B.PRAKASH RAO,J

Dated 13.6.2006

RAMESH RANGANATHAN,J

msv